

**Performance Outcome 1. 1.**

Serve civil process and/or make proper return.

**Training Objective Related to 1. 1.**

- A. Given a written and/or oral exercise, identify different types of civil process, the proper service of each, the required return of service, and officer safety procedures.

**Criteria:** The trainee shall be tested on the following:

- 1.1.1. Define civil process.
- 1.1.2. Define the purpose of civil process.
- 1.1.3. Identify who may legally serve civil process.
- 1.1.4. Identify the daily procedure for obtain civil process papers from the courts.
- 1.1.5. Identify other sources from which a Sheriff may receive civil papers for service.
- 1.1.6. Identify days on which civil process papers may not legally be served.
- 1.1.7. Identify officer safety procedures to utilize in serving civil process.
- 1.1.8. Identify persons exempt from civil process service
- 1.1.9. Identify the three (3) ways service upon a natural person may be accomplished.
- 1.1.10. Define the following legal papers:
  - 1.1.10.1. Affidavit
  - 1.1.10.2. Attachment
  - 1.1.10.3. Subpoena for the production of documents
  - 1.1.10.4. Detention order
  - 1.1.10.5. Distress warrant
  - 1.1.10.6. Garnishment
  - 1.1.10.7. Motion to amend
  - 1.1.10.8. Motion for judgment
  - 1.1.10.9. Notice for motion for judgment (distinguish between general district court and circuit court versions)
  - 1.1.10.10. Notice/letter
  - 1.1.10.11. Order
  - 1.1.10.12. Petitions
  - 1.1.10.13. Protective Order
  - 1.1.10.14. Release Order
  - 1.1.10.15. Rule to Show Cause

- 1.1.10.16. Show Cause Summons Civil
- 1.1.10.17. Show Cause Summons Criminal
- 1.1.10.18. Subpoena Duces Tecum
- 1.1.10.19. Summons
- 1.1.10.20. Summons for Unlawful Detainer
- 1.1.10.21. Summons to Answer Interrogatories (general district court; circuit court to be covered in OJT)
- 1.1.10.22. Warrant in Debt
- 1.1.10.23. Warrant in Detinue
- 1.1.10.24. Witness Subpoena
- 1.1.10.25. Writ of Fieri Facias
- 1.1.10.26. Writ of Possession of Unlawful Detainer
- 1.1.10.27. Writ of Possession in Detinue
- 1.1.11. Identify types of process requiring personal service.
- 1.1.12. Identify time period for return after process is served.
- 1.1.13. Identify the period of time permitted by law for the execution of the following papers.
  - 1.1.13.1. Attachment
  - 1.1.13.2. Distress warrant
  - 1.1.13.3. Garnishment summons
  - 1.1.13.4. Writ of fieri facias
  - 1.1.13.5. Writ of possession
- 1.1.14. Define the information that must be included on a return of process by the Deputy.
- 1.1.15. Identify the penalty for failing to make a return or making an improper return.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Definition of civil process. Civil process is the method by which citizens may seek a legal action from the courts for an activity in which they are somehow involved. Process is also a means whereby a court enforces obedience to its orders. Process is termed:
  - A. Original, when it is intended to compel the appearance of the defendant;
  - B. Mesne, when issued pending suit to secure the attendance of jurors and witnesses;
  - C. Final, when issued to enforce execution of a judgment.
2. Purpose of civil process.
  - A. To provide timely notice to person(s) or legal entities of pending legal action in which they are somehow involved.
  - B. To serve notice of the pending legal action in accordance with the law as it pertains to the particular legal document required by the specific legal action.
3. Who may legally serve civil process.
  - A. Any Sheriff or Deputy Sheriff
  - B. Any person eighteen (18) years of age or older who is not a party to, and has no interest in the controversy may serve civil process. (§8.01-293)
4. Procedure for obtaining civil process papers from the courts daily.
  - A. Every court served by a Sheriff's office must be contacted daily to determine if there are any civil process papers to be served.
  - B. Contact by telephone is permissible but should be made only with a regular employee of the clerk of the courts office. (§8.01-294)
5. Identify other sources from which a Sheriff may receive civil process papers for service. Civil process papers may come from any court in the Commonwealth and may be directed to any Sheriff of, and executed in any county, city or town in the Commonwealth. (§8.01-292) Any civil papers that come to the hand of the sheriff in a lawful manner shall be served in accordance with Title 15.2.
6. Identify days on which civil process may not be legally served (§2.2-3301; 8.01-289).
7. Identify officer safety procedures to utilize in the service of process.
  - A. Identify potential safety concerns through clues that may be present on papers to serve (ex. Vicious dog suit, violent divorce action)
  - B. Identify possible need for backup if you suspect service may generate high emotions or violence (ex. Removing child from home, domestic, evictions)

- C. Identify steps to be taken prior to service
  1. Park vehicle for easy access, cover, or escape (if necessary)
  2. Prior to exiting vehicle at the scene, carefully scan the area to check for any threats or hazards to your safety.
  3. Notify with the dispatcher giving location in cases where you expect problems.
  4. Focus on the house and curtilage as you approach the residence paying particular attention to the doorways and windows and others persons.
  5. Carry the process somewhere that it cannot be seen from the residence and it will not interfere with your hands.
  6. When you reach the door do not stand directly in front of the door or in front of any windows. Stand by the frame of the door on the doorknob side. If possible keep the windows around or in the door under constant surveillance and listen for noises coming from inside the residence.
  7. When the door is opened be ready to evade or counter any threat that may present itself.
  8. Always be alert and expect the unexpected.
- 8. Identify persons exempt from civil process service. (§8.01-327.2)
- 9. Identify three (3) ways that service upon a natural person may be accomplished.
  - A. Personal service: Actual handing of the process paper to the person named therein. If a person refuses to accept service, the process paper may be dropped at his feet and the officer's return of service will indicate that personal service was made and reflect such service.
  - B. Substitute service on a family member: The Deputy must ensure that the person served is:
    1. a member of the family (husband, wife, parent, child, brother, or sister)
    2. a regular member of the household sixteen (16) years of age or older
    3. explained the nature of the civil process papers being served
  - C. Posting on the door: Attach the civil process papers to a door that appears to be the normal entry of the abode of the person named in the process.
    1. Use methods that do not cause damage to the door such as a hanging paper or plastic bag or a rubber band to attach the civil process papers to the door.
    2. The date of posting and manner in which it was served should be noted on the process posted and on the return of service.
- 10. Define the following legal papers and their purpose.
  - A. Affidavit
  - B. Attachment
  - C. Subpoena for the Production of Documents

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- D. Detention Order
- E. Distress Warrant
- F. Garnishment
- G. Motion to Amend
- H. Motion for Judgment
- I. Notice of Motion for Judgment (distinguish between general district court and circuit court versions)
- J. Notice/letter
- K. Order
- L. Petitions
- M. Protective Order
- N. Release Order
- O. Rule to Show Cause
- P. Show Cause Summons Civil
- Q. Show Cause Summons Criminal
- R. Subpoena Duces Tecum
- S. Summons
- T. Summons for Unlawful Detainer
- U. Summons to Answer Interrogatories
- V. Warrant in Debt
- W. Witness Subpoena
- X. Writ of Possession of Unlawful Detainer
- Y. Writ of Fieri Facias
- Z. Writ of Possession in Detinue

12.  
13.

11. Identify types of process requiring personal service

- A. Out of state process
- B. Capias
- C. Show Cause Order (generally)
- D. Restraining Order
- E. Injunctions
- F. Bench Warrants
- G. Attachment Summons on Co-defendant (business)
- H. Garnishment Summons on Co-defendant (business)
- I. Process for any person who is a party to the suit being served at a place of business/employment
- J. Officer (or management personnel) of the corporation when the corporation is the defendant
- K. Registered agent of a corporation
- L. Partner (when an action is against the partnership)
- M. Officers and agent of unincorporated orders, associations, and common carrier

12. Identify time period for return of service after process is served. Return of service must be made to the court no more than 72 hours after service is completed. (§8.01-294)

13. Identify the time period permitted by law for the execution of civil process for the following papers:
- A. Attachment – 30 days from date of issuance. (§8.01-541, 8.01-559)
  - B. Distress warrant – 90 days from date of issuance. (§55-237)
  - C. Garnishment summons – 90 days to the issuing court, whether the court be general district or circuit. (§8.01-514)
  - D. Indemnifying bonds – 21 days to the circuit court with jurisdiction over the location in which the property resides. (§8.01-368)
  - E. Writ of fieri facias – 90 days to the court from which it was issued. (§16.1-99)
  - F. Writ of possession in detinue – 90 days from the date of issuance to the court from which it was issued.
  - G. Writ of possession in unlawful detainer – 30 days from date of issuance.
  - H. Sales – sale made under any order, warrant or process, and no particular time for return is designated, return shall be made forthwith. (§8.01-499)
14. Define information that must be included on a deputy's return of process.
- A. That the process was served
  - B. That the service was in accordance with the law and court procedure (§8.01-325)
  - C. That the return was executed by the deputy sheriff who served the process and is noted on the original copy of the process
  - D. The Deputy must sign his name and the Sheriff's name to the return
  - E. The date and time service was made must be noted
  - F. The manner of service, personal or substitute, must be indicated
  - G. The return must include the following when substitute service is made:
    - 1. The person named in the process was not at his regular place of abode.
    - 2. The person served was at the regular place of abode and was not a temporary visitor or guest.
    - 3. The relationship to the person named as a recipient on the process.
    - 4. That the person served was sixteen (16) years of age or older
    - 5. That the nature of the process was explained to the person on whom it was served
    - 6. When substituted service is effected by posting or left with a member of the family, the original and the copy left should bear a notation as to the date and manner in which it was served. (§8.01-296, §8.01-325)
15. Penalty for failing to make a return or making an improper return. The officer may be subject to a fine, having a judgment rendered against him, or other penalty. (§16.1-101)

**Performance Outcome 1. 2.**

Handle problems encountered with animals during evictions and levies.

**Training Objective Related to 1. 2.**

- A. Given a written or oral exercise, identify factors and remedies to consider when encountering animals during evictions and levies.

**Criteria:** The trainee shall be tested on the following:

- 1.2.1. Identify information to be gathered related to animals on the premises prior to an eviction or levy.
- 1.2.2. Identify information to communicate to the tenant prior to or during an eviction or levy.
- 1.2.3. Identify procedures for requesting assistance from local animal control authorities.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Information to gather prior to an eviction or levy (if possible):
  - A. Number and types of animals/birds/reptiles on premises.
  - B. Risk to officers, the public, and landlord when executing evictions and levies.
2. Information to communicate to the tenant prior to or during an eviction or levy.
  - A. Request tenant to remove any animals/birds/reptiles prior to eviction or levy if possible.
  - B. Require tenant to restrain or contain any animals/birds/reptiles during eviction or levy if not possible to remove them.
3. Procedure to request assistance from animal control authorities.
  - A. Identify which local agency is responsible for animal control (may be police, sheriff, county administrator, or other).
  - B. Identify appropriate contact within the agency for requesting animal control assistance.
  - C. Request assistance in advance, if possible, when information has been communicated that animals/birds/reptiles will not be removed or contained prior to eviction or levy. Communicate with animal control regarding the number and types of animals/birds/reptiles on premises.
  - D. If, upon arrival for an eviction or levy, the tenant has not kept a promise to remove or contain animals/birds/reptiles, contact animal control and request emergency assistance. Communicate with animal control regarding the number and types of animals/birds/reptiles on premises.
  - E. Although it may be difficult to wait for animal control authorities to arrive, animals/birds/reptiles should not be allowed to escape from the premises as they may present a public safety hazard both in terms of injuries such as bites and medical hazards from disease. This may create a liability problem for the Sheriff's office. It is unlikely a deputy will know how much proper care and feeding any animal/bird/reptile has received related to the tenant of the property. It is best to wait for animal control.



**Performance Outcome 1. 3.**

Halt civil process proceedings due to bankruptcy.

**Training Objective Related to 1. 3.**

- A. Given a written and/or oral exercise, identify the procedure for halting civil process proceedings due to bankruptcy.

**Criteria:** The trainee shall be tested on the following:

- 1.3.1. Define bankruptcy.
- 1.3.2. Identify who may file bankruptcy and how often one may file
- 1.3.3. Identify the four (4) different types of bankruptcy.
- 1.3.4. Identify debts that are not affected by bankruptcy.
- 1.3.5. Identify the procedure for an officer to follow when serving civil process and the debtor advises that he has filed for bankruptcy.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Define bankruptcy. Bankruptcy is a proceeding under federal law in which a person or business declares themselves unable to meet existing obligations and:
  - A. Petitions the bankruptcy court to take what assets they have and distribute them among creditors and then cancel any unsatisfied portion of those obligations (Chapter 7)
  - B. Petitions the court to allow them time to reorganize in the prospect of being able to meet their obligation in a reasonable period, but be excused from making payments of those obligations during the reorganization time frame. (Chapter 13 and 11)
2. Who may file bankruptcy and how often
  - A. Any person or business that resides in, does business in, or has property in this country may file bankruptcy.
  - B. A person may not file bankruptcy more often than every six (6) years.
3. The four types of bankruptcy.
  - A. Chapter 7 pertains to a personal debtor
  - B. Chapter 11 pertains to a business
  - C. Chapter 13 is similar to Chapter 11 but involves personal reorganization as opposed to business reorganization
  - D. Chapter 12 is utilized by farmers, primarily in rural areas and the Midwest
4. Debts not affected by bankruptcy.
  - A. Fines against debtor for criminal action
  - B. Alimony payments
  - C. Maintenance or support payments
5. Procedure for halting proceedings due to bankruptcy
  - A. Bankruptcy supercedes civil claims against a debtor since it is a federal action.
  - B. Mere filing for bankruptcy is not an automatic guarantee that the debtor's petition will be accepted by the court.
  - C. Sheriff should ask to see the debtor's claim of debtor acceptance by the Federal Bankruptcy Court.
  - D. If the debtor is unable to provide appropriate documentation, the Sheriff should
    1. Seek immediate legal counsel with the Commonwealth, City or County
    2. Serve the process or make the levy to protect the plaintiff's interest in the civil action, then seek immediate legal counsel.

**Performance Outcome 1. 4.**

Notify jurors for potential jury service when assigned.

**Training Objective Related to 1. 4.**

A. Given a written and/or oral exercise, identify the steps related to juror notification.

**Criteria:** The trainee shall be tested on the following:

- 1.4.1. Definition of petite jury, grand jury, special grand jury, and multi-jurisdictional grand jury.
- 1.4.2. Qualifications to serve as a juror
- 1.4.3. Process for selecting potential jurors
- 1.4.4. Preparing the list of jurors to be summoned
- 1.4.5. Summoning a juror
- 1.4.6. Excusing a juror from service
- 1.4.7. Notification to jurors regarding rescheduling/cancellation of trials after having been summoned for a particular term
- 1.4.8. Grand jury summons
- 1.4.9. Sequestered jury

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Definition of petit jury, grand jury, special grand jury, and multi-jurisdictional grand jury.
2. Qualifications to serve as a juror.
  - A. Person must be a U.S. citizen.
  - B. Citizen must be 18 years of age or older
  - C. Citizen must be a resident of the Commonwealth of Virginia for one (1) year
  - D. Citizen must have resided in the county, city, or town for six (6) months
  - E. Citizen must not be adjudicated incapacitated; convicted of treason or a felony; or be a person under a disability as defined in §8.01-2.
  - F. Exemptions from jury service, §8.01-341.
3. Process for selecting potential jurors. The clerk of the court draws ballots in the presence of the judge for trials of cases for the pending term of the court. (§8.01-348)
4. Preparing the list of jurors to be summoned.
  - A. The clerk of the court prepares an alphabetical list of names drawn and delivers attested copy of the list to the sheriff.
  - B. The list must be available in the clerk's office for inspection by counsel (§8.01-351)
5. Summoning a juror
  - A. A potential juror is summoned using the rules of service of process upon natural persons.
  - B. A potential juror is served at the place of employment
  - C. A potential juror is served by leaving a copy of the summons with the person in charge at the potential juror's place of employment
  - D. A potential juror is served by mailing a copy of the summons to the juror at least 7 days prior to the date the juror must appear. (§8.01-298)
6. Excusing a juror from service
  - A. No sheriff or any of his personnel may lawfully excuse a juror.
  - B. Potential jurors must contact the court if they feel they have a lawful basis for dismissal from jury service.
  - B. Only the judge may lawfully excuse a potential juror.
7. Notification to jurors of rescheduling/cancellation of trials after having been summoned for a particular trial. Once initially summoned, jurors may be notified by telephone of rescheduling/cancellation of trials.
  - A. Juror questions regarding term of service, where to report, date and time to report, proper attire, and who to contact in case of an emergency should be answered.

- B. Jurors should be advised regarding any hotline numbers the court may utilize that they may call to check on the cancellation or rescheduling of trials.
- 8. Grand jury summonses
- 9. Sequestered jury
  - A. Definition of a sequestered jury
  - B. Procedure or a sequestered jury
    - 1. Judge will notify the sheriff that a jury will need to be sequestered
    - 2. Sheriff will direct deputies to carry out the sequestering of the jury according to department policy.
  - C. Deputies will utilize relevant forms needed to handle a sequestered jury trial. Instructor will review copies of these forms.

**Performance Outcome 1. 5.**

Execute levies.

**Training Objective Related to 1. 5.**

A. Given a written exercise, identify the steps involved in executing a levy.

**Criteria:** The trainee shall be tested on the following:

- 1.5.1. Define levy.
- 1.5.2. Define Writ of Fieri Facias.
- 1.5.3. Identify the steps to be taken by a deputy when a Writ of Fieri Facias is received.
- 1.5.4. Identify the steps to be taken by a deputy when several Writs are received on the same day.
- 1.5.5. Identify what property may be levied under a Writ of Fieri Facias.
- 1.5.6. Identify what property may be seized under a Writ of Fieri Facias and when this must be done.
- 1.5.7. Identify what may serve as an indemnity bond.
- 1.5.8. Identify methods to determine the value of property to be levied.
- 1.5.9. Perform basic math functions to determine the value of a property to be levied in a case scenario.
- 1.5.10. Identify the steps involved for a Sheriff's sale.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Define a levy. A levy is the act of a sheriff in subjecting a property to the satisfaction of a court judgment.
2. Define a Writ of Fieri Facias. A Writ of Fieri Facias is a legal document issued by the court that commands the deputy to make money out of the goods and chattels of the person against whom the judgment has been rendered. (§8.01-474)
3. Identify the steps to be taken by the deputy when a Writ of Fieri Facias is received.
  - A. Endorse on each Writ of Fieri Facias the date and time it was received.
  - B. Note the date and time the tangible personal property of each debtor has been levied.
  - C. Leave a copy of the Writ where the levy was made on each judgment debtor or other responsible person at the premises. If no such person is present, the Writ shall be posted on the front door of such premises. (§8.01-487.1)
4. Identify the steps to be taken when several Writs are received on the same day.
  - A. That which was first delivered to the deputy, though two or more shall be received on the same day, shall be first levied and satisfied and
  - B. When several such executions are delivered to the deputy at the same time they shall be satisfied ratably. (§8.01-488)
5. Identify what property may be levied on under a Writ of Fieri Facias.
  - A. Current money and bank notes
  - B. Goods and chattel of the judgment debtor, except those exempt under Title 34-26 and Title 34-4. (Reference Poor Debtor's Act and the Homestead Act).
6. Identify what property may be seized under a Writ of Fieri Facias and when this must be done.
7. Bond issues.
  - A. Identify what may serve as an indemnity bond. A deputy seizing property in the course of a legal action may require that the party initiating the action provide a bond sufficient to protect the deputy (and the interest of all other parties in the action) against all costs and claims that may result from the seizure. §8.01-367.
  - B. Identify the plaintiff's responsibility to obtain bond that must be double the amount of the levy.
  - C. Forthcoming bond – also known as defendant's bond. This is a bond posted by the defendant.
  - D. Suspending bond – also known as a 3<sup>rd</sup> party bond. This is a bond that covers any 3<sup>rd</sup> party's interest in the case.
8. Determine the value of property to be levied.
  - A. The deputy is to make every effort to value property at fair market value and may use the following resources to assist in this:
    1. National Automobile Dealers Association (NADA) Books (for vehicles and boats)

2. American Insurance Association
3. Personal Property Tax Records
4. Pawn Shop Blue Books
5. Replacement lost estimates
6. Appraisal lists by experts
7. Insurance adjusters
- B. The deputy is under the obligation to levy sufficient property of debtor to reach the amount of the judgment or make notation that the amount of the property is insufficient to reach the judgment.
- C. The deputy in no case shall make an unreasonable levy.
9. The deputy shall perform basic math functions that demonstrate knowledge of how to determine the value of property to be levied.
  - A. The deputy must be able to use basic math skills to compute payoff amounts and figure interest on levies.
  - B. In a case scenario, the deputy shall demonstrate the ability to figure partial year interest by division and multiplication to achieve daily rates and then figure interest for a set amount of days.
10. Identify the steps for a Sheriff's sale.
  - A. Deputy shall fix date, time and place for sale.
  - B. Deputy shall post notice at least 10 days before the date of the sale at some place near the residence of the owner of the property and two or more public places in the city or county official places of business. (§8.01-492)
  - C. Sale shall be to the highest bidder for cash.
  - D. Sale may be adjourned from day to day if not completed on set day. (§8.01-493)
  - E. Any surplus monies remaining after satisfying the execution, such surplus shall be repaid to the debtor. (§8.08-495)
  - F. Deputy handling the sale must make return (accounting thereof) forthwith to the clerk of the court. (§8.01-499)

**Instructor Note: Advise trainees that employees of a city, town, or county may not bid on nor purchase items at a sheriff's sale of the city, town, or county of which they are an employee. Class 1 misdemeanor. (§8.01-498)**



**Performance Outcome 1.6.**

Serve eviction notices.

**Training Objective Related to 1.6.**

- A. Given a written exercise, identify the types of notice given an evictee and the method of service.

**Criteria:** The trainee shall be tested on the following:

- 1.6.1. Define a 5-day/30-day Notice and identify methods of service.
- 1.6.2. Define a Summons for Unlawful Detainer.
- 1.6.3. Define a Writ of Possession in Unlawful Detainer.
- 1.6.4. Identify Sheriff's obligation to give notice to the tenant.
- 1.6.5. Identify Sheriff's obligation to give notice to the landlord after eviction notice has been served.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. 5-Day/30-day Notice.
  - A. 5-Day Notice is a notice that is given to tenants when the rent is in arrears. A 5-day notice is not prepared by the court but either by the landlord or his attorney.
    - (1). A 5-day notice may be served upon the tenant by the Sheriff, presented to the tenant by the landlord, or mailed to the tenant by the landlord by registered or certified mail.
    - (2). Service of a 5-day notice is in accordance with the rules for service of process on a natural person if served by the Sheriff.
    - (3). A copy of the notice should be served on all defendants involved.
    - (4). Sheriff makes his return on the original copy and gives it to either the landlord or his attorney.
  - B. A 30-day Notice starts the official eviction process due to a breach of some condition of the lease.
2. Summons for Unlawful Detainer. This is an action taken by the court to summon the defendant (tenant) to appear in court for a hearing.
  - A. This summons covers the legal process for any situation in which the house, land or tenement is unlawfully detained by the person(s) in possession thereof.
  - B. The summons may be issued by the judge, magistrate or clerk.
  - C. The tenant has a right to appeal within 10 days the judgment of the district court.
3. Writ of Possession in Unlawful Detainer. This Writ is an after judgment action from the court.
  - A. The Writ gives the Sheriff the authority to remove the tenant and his belongings from the premises, restoring possession of the premises to the landlord.
  - B. The tenant has a right to appeal within 10 days the judgment of the district court. If tenant has been delinquent more than once in a year, the landlord may ask for immediate possession.
4. Notice to Tenant. The Sheriff must give written notice to the tenant as to the date and time of the eviction at least 72 hours before the eviction is to take place.
  - A. This notice is prepared by the Sheriff; it is not furnished by the court.
  - B. 3 – 5 days notice is deemed sufficient, but is in accordance with the code of Virginia §8.01-470 or 471. .
  - C. The date and time may be reset by the Sheriff due to inclement weather or other unforeseen circumstance.
5. Notice to Landlord.
  - A. The Sheriff must coordinate the eviction with the landlord to ensure the landlord is prepared to remove the tenants' possessions from the premises if necessary.
  - B. The Sheriff may cancel the eviction if the landlord fails to make such preparations or otherwise comply with the conditions imposed regarding the eviction.

**Performance Outcome 1. 7.**

Execute eviction orders using deputy safety precautions.

**Training Objective Related to 1. 7.**

A. Given a written and/or oral exercise, identify safety precautions necessary when executing eviction orders.

**Criteria:** The trainee shall be tested on the following:

- 1.7.1. Deputy safety considerations
  - 1.7.1.1. Importance of gathering information prior to eviction
  - 1.7.1.2. Use of available backup deputies
  - 1.7.1.3. Interagency communications
- 1.7.2. Command presence
- 1.7.3. Communication skills to minimize antagonistic responses
- 1.7.4. Appropriate escalation/de-escalation regarding use of force
- 1.7.5. Use of restraint procedures if necessary
- 1.7.6. Effecting an arrest if necessary

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Deputy safety considerations.
  - A. Importance of information gathering prior to eviction.
    1. Check for information regarding a prior history of violence at the residence or if outstanding warrants are on file.
      - a. Ask other deputies and check with 9-1-1 communications to see if residence has been flagged for disturbances.
      - b. Ask if landlord has made any complaints regarding violence.
    2. Identify any and all subject that may be a party to the eviction.
    3. Ask if the tenants have made any threats prior to the eviction.
  - B. Use of available backup deputy(s). If needed, request backup deputies to assist in proportion to the level of threat determined by the information gathered.
  - C. Interagency communication.
    1. Advise your agency regarding the exact location of the residence and the type of order the deputy is executing.
    2. Advise 9-1-1 communications if the level of threat is high and request frequent deputy safety checks after arrival at the residence.
  - D. Command presence. Most citizens recognize the authority of the uniform and badge and will follow the instructions of the deputy that are delivered in a straightforward, no-nonsense manner that is professional and courteous.
  - E. Communication skills that minimize antagonistic responses. Some people will use vulgar language to a deputy. Vulgar language may be used as a defense by the person using it to try and retain some sense of ownership in a situation that is probably breaking them down. It may also be used to try and provoke a deputy into a physical confrontation. **DO NOT ALLOW ANOTHER PERSON'S LANGUAGE TO PROVOKE YOU.** Keep control of your voice level and tone. You may respond with a phrase such as "This type of situation isn't easy for anyone, but you need to follow my instructions to vacate this property." Repeat instructions in a controlled, professional manner.
  - F. Appropriate escalation/de-escalation regarding use of force. If verbal attempts to calm people and direct them regarding the eviction do not work, the deputy may be physically assaulted. Should a person physically assault a deputy in any manner, use any appropriate defensive tactics moves to protect yourself and/or assist another deputy being assaulted. De-escalate the situation as quickly as possible using restraint procedures.
  - G. Restraint procedures. Depending on the situation, the deputy may physically restrain a person until the person calms down and agrees to behave appropriately or may have to handcuff a person to restrain him or her. Individuals may need to be separated so that order may be restored. Individuals may need to be physically removed from the premises for the eviction to proceed.
  - H. Effecting an arrest. Should an individual fail to comply with the instructions of the deputy or engage in unlawful behavior, the deputy may arrest the individual following all procedures for an arrest without a warrant.

**Instructor Note: Advise trainees to identify agency policy and procedures for eviction when an outstanding warrant exists.**

**Performance Outcome 1. 8.**

Oversee removal of physical property of evictee from premises.

**Training Objective Related to 1.8.**

- A. Given a written and/or oral exercise, identify factors to consider in overseeing removal of physical property of evictee from premises.

**Criteria:** The trainee shall be tested on the following:

- 1.8.1. Legal authority to break and enter.
- 1.8.2. Removal of defendant's property

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Legal authority to break and enter. (Code of Virginia §8.01-470)
  - A. Under Writ of Possession in Unlawful Detainer, the officer has the authority to break and enter in the daytime after notice has been given to the tenant (if he be on the premises) to restore possession to the landlord.
  - B. Entry may be made with a key if the landlord has one in possession.
  - C. A locksmith may be obtained to effect entry.
2. Review of property before eviction
  - A. Walk through the property to observe for animals who may need care and arrange for removal prior to locking up property.
  - B. Observe for weapons or illegal items on premises. Secure weapons in trunk of car until legal ownership can be established. Secure any illegal items and notify supervisor for appropriate action to be taken in accordance with department policy.
3. Removal of defendant's property
  - A. Property must be deposited at nearest public way.
  - B. Tenant has the right to remove his property from the public right of way during the twenty-four (24) hour period after eviction.
  - C. After twenty-four (24) hours the landlord shall remove or dispose of any personal property remaining in the public way.
  - D. At the landlord's request, the Sheriff shall cause the personal property to be placed in a storage area designated by the landlord, which may be the dwelling unit. The tenant then may remove his belongings from the designated area at reasonable times during the twenty-four (24) hours after the eviction, or at such other reasonable times until the landlord has disposed of the property therein.

**Performance Outcome 1. 1.(Jail) and 1.7 (CS) and 1.9 (CP)**

Maintain a professional appearance with respect to clothing, grooming, and equipment.

**Training Objectives Related to 1. 1. (Jail) and 1.7 (CS) and 1.9 (CP)**

- A. Given a practical exercise, the trainee will be inspected to meet academy standards for clothing, grooming, and equipment.

**Criteria:** The trainee shall be tested on the following:

- 1.1.1. Professional appearance for an officer regarding clothing and grooming.
- 1.1.2. Professional appearance for an officer's personal equipment.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Professional appearance for an officer regarding clothing and grooming.
2. Professional appearance for an officer regarding personal equipment.
3. The importance to public perception of professionalism by presenting a well-groomed appearance for clothing and equipment.
4. The importance of establishing departmental esprit de corps by presenting a well-groomed appearance.



**Performance Outcome 1. 2. (Jail) and 1.8 (CS) and 1.10 (CP)**

Behave in a fair, positive and courteous manner with inmates and the public to develop a trust relationship and positive community relationship.

**Training Objectives Related to 1. 2. (Jail) and 1.8 (CS) and 1.10 (CP)**

Given a written exercise:

- A. Identify the impact that common courtesy may have regarding the relationship between the local jail and the community.
- B. Identify the requirements for professionalism that impact the deputy's/officer's knowledge, skill, and ability to behave in a fair and positive manner.
- C. Identify the requirement that will assist in developing and maintaining a trust relationship with the citizenry and with inmates.

**Criteria:** The trainee shall be tested on the following:

- 1.2.1. Reasons to foster a positive relationship between the local jail and the public.
- 1.2.2. Principles that define a profession.
- 1.2.3. Historical evolution of jails in the United States
- 1.2.4. Three elements of the criminal justice system
- 1.2.5. The place of jails and criminal justice in the structure of government
- 1.2.6. The role of ethics
  - 1.2.6.1. General principles of ethics
  - 1.2.6.2. Code of Ethics
    - (1). Deputy/officer behavior
    - (2). Deputy/officer dedication
    - (3). Career development
- 1.2.7. Methods of handling violations of professional, ethical, or legal standards of conduct on the part of fellow deputies or officers
- 1.2.8. Positive and negative aspects of discretionary enforcement of laws, policies, and procedures
- 1.2.9. Positive and negative influences of a criminal justice career on a deputy's/jail officer's personal life

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Reasons to foster a positive relationship between the jail officer/deputy and the public.
  - a. Develop and maintain open communications between the jail and the community
  - b. Reduce fear and mistrust by some members of the public, especially recent immigrants whose experience with jails in other countries has been negative
  - c. Enhance the officer's/deputy's ability to function as effectively as possible in carrying out their daily duties
  - d. Others as may be identified and discussed
2. Consequences that may result from a failure of common courtesy
  - a. Lack of respect on the part of the officer/deputy toward a member of the public has a ripple effect beyond the immediate situation, i.e., the public may fail to call for assistance for an officer/deputy in trouble or ignore reporting a situation in the jail.
  - b. Negative attitudes toward jail officers/deputies in general may develop from the actions of one officer/deputy.
  - c. The jail officer's/deputy's ability to function effectively in carrying out daily duties will diminish should the officer/deputy become known as lacking in common courtesy and respect.
  - d. Others as may be identified
2. Identify principles that define a profession
4. Identify the historical evolution of Corrections and Jails in the United States
  - a. Establishment of Jails
  - b. Oath of office
  - c. Constitution and Bill of Rights
5. Identify the three elements of the criminal justice system
  - a. Courts
    - (1). Federal system
      - (a). U. S. District Court
      - (b). U. S. Court of Appeals for the # Circuit (example: U. S. Court of Appeals for the 4<sup>th</sup> Circuit – Virginia is in this circuit)
      - (c). U.S. Supreme Court
    - (2). State system
      - (a). Magistrates
      - (b). General District Courts
      - (c). Circuit Courts
      - (d). Virginia Court of Appeals
      - (e). Virginia Supreme Court

- b. Law Enforcement
    - (1). Federal officers (in general)
    - (2). Sheriffs
    - (3). Police (local and state)
    - (4). Other law enforcement agents
  - c. Corrections
    - (1). Local corrections (jails, detention facilities)
    - (2). State corrections
6. Identify the place of jails in the structure of government
7. Define the role of ethics in criminal justice
- a. Identify two general principles of ethics that may assist an officer/deputy in making ethical judgments
  - b. Review the Jail and/or Law Enforcement Code of Ethics and its impact on the following:
    - (1). Officer/deputy behavior on duty
      - (a). Reverence for the law
      - (b). Crime prevention/prevention of rules infractions
      - (c). Respect for the public
      - (d). Impartial enforcement of rules and regulations
      - (e). Attempt to use minimum force necessary to effect an arrest or restrain an inmate
      - (f). Report only the truth
      - (g). Testify only the truth
      - (h). Never use public office for private gain
      - (i). Strive to perform at maximum efficiency
      - (j). Never misuse resources or confidential information
    - (2). Officer/deputy behavior off-duty
      - (a). Practice good citizenship, i.e., youth volunteer work, assist neighbors, be active in schools, etc.
      - (b). Maintain self-control, fair play and discipline in such areas as avoiding disputes, excessive use of alcohol, prejudicial conduct or interaction with people of different ethnic, religious, sexual and similar preferences, illegal gambling and others that may be identified.

- (3). Officer/deputy dedication
  - (a). Self (taking care of you will help you care for others)
  - (b). Family
  - (c). Office
  - (d). Community
  - (e). State
  - (f). Country
- (4). Career development
  - (a). In-service training and specialized training programs and courses
  - (b). Resources for individual efforts
    - (1). Reading professional material related to the job
    - (2). Seeking out other criminal justice training
    - (3). Using educational resources such as college courses
    - (4). Others that may be identified
- c. Provide copies of the Jail Officer's Code of Ethics for signature by trainees.
- 8. Identify methods of handling violations of professional, ethical, or legal standards of conduct on the part of fellow jail officers/deputies
- 9. Identify the positive and negative aspects of discretionary enforcement of laws, jail rules and regulations
  - a. Positive aspect: Inmates realize that they cannot manipulate a deputy or jail officer.
  - b. Negative aspect: Inmates watching a deputy/jail officer may think his enforcement of jail rules is unfair when the deputy/jail officer allows a prominent citizen who is in jail to have privileges that they may not get.
- 10. Identify positive and negative influences of a criminal justice career on an officers/deputies personal life
  - a. Positive influences include, but are not limited to,
    - (1). Providing a role model to citizens, especially children
    - (2). Saving lives
    - (3). Preventing crime
    - (4). Safeguarding the principles of our nation as noted in the Constitution and the Bill of Rights
    - (5). Others as may be identified
  - b. Negative influences include, but are not limited to
    - (1). Constantly facing the possibility of death or serious injury
    - (2). Divorce or strains on family relationships
    - (3). Alcoholism

- (4). Mental health problems ranging from chronic stress to depression with the possibility of suicide
- (5). Others as may be identified

c. Bias

- (1). Define bias.
- (2). Define discrimination.
- (3). Identify consequences of bias based jail, court, or civil process operations.
- (4). Identify consequences of impartial enforcement of jail, court, or civil process service rules.
- (5). Identify methods that a deputy/jail/court security/civil process service officer may use to prevent bias from determining a jail, court, or civil process enforcement intervention.

**Instructor Note: Numbers 4 and 5 in the lesson plan guide should provide an overview so that the trainee understands the structure of the criminal justice system and how jail operations fit into this structure. Detailed information on these areas will be provided during legal issues training.**

**Performance Outcome 1. 3. (Jail) and 1.9 (CS) and 1.11 (CP)**

Apply knowledge of the law relating to gambling and identify its impact on professionalism.

**Training Objectives Relating to 1. 3. (Jail) and 1.9 (CS) and 1.11 (CP)**

- A. Given a written exercise, identify the elements of crime classifications relating to gambling offenses.
- B. Given a written exercise, identify the impact of how gambling on the job or ignoring inmate gambling undermines the work of professional deputies/jail/court security/civil process service officers.

**Criteria:** The trainee shall be tested on the following:

- 1.3.1. Define gambling and elements of the crime.
- 1.3.2. Identify the impact of how gambling on the job or ignoring inmate gambling undermines the work of professional deputies/jail/court security/civil process service officers.

**Lesson Plan Guide:** The lesson plan shall include the following:

1. Define gambling and elements of the crime, §18.2-325
2. Identify the impact of how gambling on the job or ignoring inmate gambling undermines the work of professional deputies/jail/court security/civil process service officers.